

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

Alexander D. Knisley,

Plaintiff,

v.

**Case No. 3:16-cv-033
Judge Thomas M. Rose**

**Tom Schietzer, Warden,
Lebanon Correctional Institution,**

Defendant.

**DECISION AND ENTRY ADOPTING REPORT AND
RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE
MERZ (DOC. 2), OVERRULING PETITIONER'S OBJECTIONS TO THE
MAGISTRATE'S REPORT AND RECOMMENDATIONS, (DOC. 3),
DISMISSING PETITION, (DOC. 1), AND TERMINATING CASE.**

Pending before the Court are Plaintiff Alexander D. Knisley's Objections to the Magistrate's Report and Recommendations. (Doc. 3). The Report and Recommendations of United States Magistrate Judge Michael M. Merz, (Doc. 2), recommends that, because Knisley's claims are barred by the statute of limitations, the Court dismiss them with prejudice and that the Court certify that any appeal that could be taken would not be in good faith.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that Plaintiff's objections, (Docs. 3), to the Magistrate Judge's Report and Recommendations, (Doc. 2), are not well taken and they are hereby **OVERRULED**. Wherefore, the Court **DISMISSES** the Petition (Doc. 1) **WITH PREJUDICE**. Because reasonable jurists would not disagree with the

Magistrate Judge's recommendation, Petitioner is denied a certificate of appealability and the Court certifies to the Sixth Circuit that any appeal would be objectively frivolous and therefore Plaintiff should not be permitted to proceed *in forma pauperis*. The Clerk is **ORDERED** to terminate the instant case.

DONE and **ORDERED** this Wednesday, May 11, 2016.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE